

REMARKS/ARGUMENTS

Claims 1-16, 18 and 30 are currently rejected under 35 USC§112 first paragraph for lack of enablement. The rejection of Claims 1-16 and 30 for lack of enablement is improper and is traversed. Claim 18 has been amended so that it claims only the treatment of selected disorders that are known to be treated with PPAR-alpha agonists as summarized by the examiner at the bottom of page 4 of the office action. The description of these as "lipid disorders" has been changed to "disorders."

With respect to Claims 1-16, the examiner has rejected these claims for lack of enablement based on the pharmaceutical uses of these compounds, even though the claims are directed only to compounds (Claims 1-15) or a pharmaceutical composition (Claim 16) containing the compounds and a pharmaceutically acceptable carrier. Compositions are described in the specification at pages 19-21, and the science of making pharmaceutical compositions suitable for drug delivery is well known in the art.

The compounds are PPAR-alpha agonists, as stated on page 16, lines 23-29, with little or no PPAR-gamma and delta activity. The assays that were used to measure PPAR activity are described on pages 25-27. This is more than sufficient to establish enablement for the compound claims. For example, see MPEP§2164.01(c), especially the fourth paragraph, where it is stated that for a compound or composition claim that is not limited to a recited use, "any enabled use that would reasonably correlate with the entire scope of the claim is sufficient to preclude a rejection for non-enablement based on how to use."

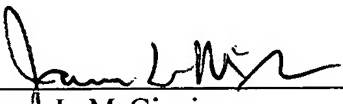
Furthermore, it is clear that the use of the compounds for the treatment of conditions modulated by PPAR alpha agonists in Claim 18 is enabled. PPAR alpha agonists, specifically fenofibrate, have been used for many years to treat the disorders claimed in Claim 18, such as hypercholesterolemia, and dosages can therefore be readily determined without undue experimentation. Claim 18 is therefore also enabled.

Similar reasoning also applies to Claim 30, which is a composition claim directed to combinations of the claimed compounds and a second pharmaceutically active component, without limitations as to use. Specific uses are not claimed in Claim 30, but enablement for the claimed compound is established, and the other pharmaceutical components also have known activity.

In summary, the claims are well enabled. The claims are ready for allowance, and such action is earnestly solicited. An early Notice of Allowance is respectfully requested.

Since this response is timely, no fee is due. If a fee is required for this response to be considered, the fee can be charged to Merck Deposit Account No. 13-2755

Respectfully submitted,

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